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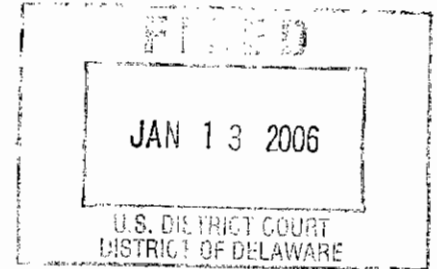
UNITED STATES DISTRICT COURT
WILMINGTON DELAWARE

Alexis Telesford
Petitioner,

v.

United States of America

CR/89-49-JRR



* * * * *
PETITION TO PRESERVE A BOOKER CLAIM
PURSUANT TO THE ALL WRITS ACT 28 U.S.C. §1651

Comes now the petitioner "Alexis Telesford" pro se in the above cited Captioned Cause humbly and respectfully files this petition to preserve a Booker claim in the event that the Supreme Court declare Booker retroactive. Petitioner contends that he is not attempting to argue a Booker violation at this time. All the Petitioner seeks is to preserve the claim so he may be able to raise such claim at a later time.

Petitioner's understanding is that if he does not file his petition to preserve a Booker claim he may be "timebarred" from bringing his claim at a later time. Petitioner's understanding is that he must preserve his claim because the Supreme Court is suppose to hear the Booker case again this year, and that he must file his petition on or before January 12, 2006.

The Supreme Court will decide whether Booker should be declared retroactive on collateral review. Petitioner brings this claim by way of the "All Writs Act" pursuant to 28 U.S.C. §1651, in that this is the only jurisdictional vehicle that he may utilize in order for this Court to assume jurisdiction and preserve his claim.

The All Writs Act states:

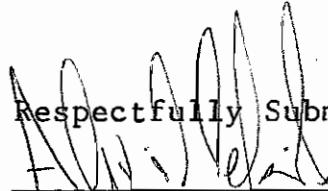
The Supreme Court and all Courts established by the act of congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law". 28 U.S.C. §1651, (a) Writs.

Petitioner contends that he has no other jurisdictional vehicle that he may utilize in order to bring his request to preserve a Booker claim. Petitioner is unable to utilize §2255 in that he filed a §2255, and it was denied (dismiss) because he was timebarred in bringing any claim on collateral review because of the AEDPA.

Moreover, second and successive would not apply in that Booker has not been declared "retroactive". That second and successive is only available for newly discovered evidence or a new rule of Constitutional law that has been declared retroactive. Petitioner is also unable to utilize the "savings clause" of §2255, in the filing of a petition pursuant to §2241.

The petitioner respectfully request that this most Honorable Court assume jurisdiction and accept his petition just to preserve a Booker claim in the event that the Supreme Court declare Booker retroactive on collateral review.

Respectfully Submitted,

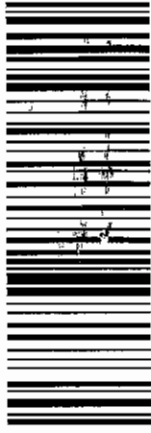

Alexis Telesford#27715-053
Federal Correctional Institution
1900 Simler Avenue
Big Spring Texas 79720
Sunset Unit 5th Range

CERTIFICATE OF SERVICE

I hereby Certify and declare that a true and accurate copy of the foregoing petition pursuant to 28 U.S.C. §1651, the All Writs Act was mailed First Class Mail on this 6, day of JAN 2006, to the Deputy United States Attorney Chief Organized crime Division Eastern District of P.A.



CERTIFIED MAIL



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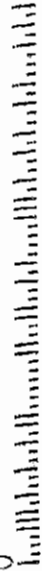
Clerk of Court

United States District Court

J. Caleb Boggs Building

844 King Street

Wilmington, Delaware 19801



19801

Name Mr. Alexis Telesford

Federal Register Number 27715-053

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1960 Simler Avenue

Big Spring, Texas 79720

